

NHAT D. MAI,

V.

Respondent.

## ORDER DENYING CERTIFICATE OF APPEALABILITY; DIRECTIONS TO CLERK

(Docket No. 41)

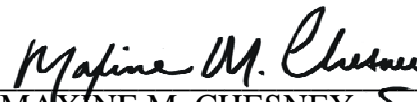
Petitioner has now filed a request for a certificate of appealability. Petitioner has not shown, however, “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate of appealability is hereby DENIED.

1 The Clerk shall forward this order, along with the case file, to the United States Court  
2 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of  
3 appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

4 This order terminates Docket No. 41.

5 **IT IS SO ORDERED.**

6 DATED: April 13, 2009

7   
8 MAXINE M. CHESNEY  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28